

Sec.-692. Purpose of the division.

Sections 30-692.1 through 30-692.67 are for the purpose of setting forth requirements for the location and design of wireless communications facilities, microwave relay facilities, and radio and television broadcast antennas.

Sec. 30-692.7. Installation of small cell facilities on existing structures.

(a) Notwithstanding anything to the contrary in this chapter 30, the co-location of small cell facilities by a wireless services provider or wireless infrastructure provider on an existing structure, all as defined in this section, shall be permitted subject to the provisions of this section, provided that the wireless services provider or wireless infrastructure provider has permission from the owner of the existing structure to co-locate equipment on that existing structure and so notifies the director of Planning and Development Review or the designee thereof.

(b) The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection (b), except where the context clearly indicates a different meaning;

Antenna means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

Base station means a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

Co-locate means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

Existing structure means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to the city of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

Micro-wireless facility means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

Small cell facility means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

Small cell facility co-location permit means a permit authorizing a wireless service provider or wireless infrastructure provider to co-locate a small cell facility on an existing structure.

Utility pole means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

Water tower means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

Wireless facility means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

Wireless infrastructure provider means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

Wireless services means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed

or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

Wireless services provider means a provider of wireless services.

Wireless support structure means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

(c) No small cell facility shall be co-located on any existing structure and no building permit authorizing the co-location of any small cell facility on any existing structure shall be issued until the wireless service provider or wireless infrastructure provider obtains a small cell facility co-location permit for the co-location of such small cell facility.

(d) Applications for small cell facility co-location permits shall be submitted to the director of planning and development review or the designee thereof and may include up to 35 permit requests on a single application. A permit fee and processing fee as set forth in Appendix A of this code shall accompany each application. Applications shall include the following information for each permit requested. Any application not containing all of the following information may be deemed incomplete by the director of planning and development review or the designee thereof.

- (1) The applicant's name and status as a wireless service provider or wireless infrastructure provider and a valid electronic mail address at which the applicant may be contacted; and
- (2) The address and latitude/longitude of the existing structure on which the small cell facility will be co-located; and
- (3) The owner of the existing structure and an agreement or other evidence showing the owner has granted permission to the applicant to co-locate on the existing structure, which evidence may include the owner's signature on the application; and
- (4) A description of any other regulatory review required for the site and the status of that review (e.g., Federal Communications Commission, Federal Aviation Administration, NEPA impact report); and
- (5) A statement that the small cell facility and operation thereof will not materially interfere with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities; and
- (6) Plans clearly depicting the following:
 - (i) The dimensions and specifications of the small cell facility, including the antennae, base station, and all other associated wireless equipment; and
 - (ii) A detailed layout plan consisting of a site plan, roof plan, floor plan, as applicable to the existing structure; and

(iii) Detailed elevation drawings showing the co-location of the small cell facility, including the base station and all other associated equipment, on the existing structure; and

(iv) In the case of an installation on publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, such plans and elevation drawings shall include: the color of the existing structure and the small cell facility, the base station and all other associated equipment; the location and details of lighting, when applicable; and landscape plans for the base of the existing structure and ground mounted equipment.

(e) Within 10 days after receipt of an application and a valid electronic mail address for the applicant, the director of planning and development review or the designee thereof shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete. Within 60 days of receipt of a complete application, the director of planning and development review or the designee thereof shall either approve the application, disapprove the application, or extend the period for an additional 30 days by providing written notice of such extension to the applicant. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval. The application shall be deemed approved if the director of planning and development review or the designee thereof does not disapprove the application within 60 days of receipt of the complete application unless within such 60 days the director of planning and development review or the designee thereof extended the period for an additional 30-days pursuant to this section, in which case the application shall be deemed approved if the director of planning and development re-

view or the designee thereof does not disapprove the application within 90 days of receipt of the completed application.

(f) Provided the applicant is in compliance with all provisions of this section, the director of planning and development review or the designee thereof shall not unreasonably condition, withhold, or delay the issuance of a small cell facility co-location permit and may only disapprove a small cell facility co-location permit for the following reasons.

(1) Material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;

(2) The public safety or other critical public service needs;

(3) Only in the case of an installation on or in publicly owned or publicly controlled property, excluding privately owned structures where the applicant has an agreement for attachment to the structure, aesthetic impact or the absence of all required approvals from all departments, authorities, and agencies with jurisdiction over such property; or

(4) If the existing structure upon which the small cell facility would be co-located is within an old and historic district as set forth in article IX, division 4 of this Chapter 30 and no certificate of appropriateness authorizing the small cell facility has been issued as required by article IX, division 4 of this Chapter 30.

(g) Nothing shall prohibit an applicant from voluntarily submitting, and the director of planning and development review or the designee thereof from accepting, any conditions that otherwise address potential visual or aesthetic effects resulting from the placement of small cell facilities.

(h) Any wireless support structure or wireless facility permitted pursuant to this section and which has not been used for wireless services for a continuous period of 12 months shall be deemed to be abandoned and shall be removed from the premises within 90 days of such abandonment.

(i) Notwithstanding anything to the contrary in this section, the installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be exempt from the permitting requirements and fees set forth herein.

Amend APPENDIX A to add fees for small cell facility co-location permit applications as set forth section 30-692.7.

a. \$100 each for up to five small cell facilities on a permit application; and

b. \$50 for each additional small cell facility on a permit application.